

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 19-30-RGA
	:	
BRIAN FLAGG.,	:	
	:	
Defendant.	:	

MEMORANDUM ORDER

Defendant filed a motion for compassionate release. (D.I. 24). The Government responded. (D.I. 27). The Government concedes that Defendant exhausted his administrative remedies and that there were “extraordinary and compelling reasons” warranting a sentence reduction, but it argues that he should not be released because he poses a significant danger to the community. (*Id.* at 7-9).

A significant factor in any consideration of the Government’s argument is Defendant’s history of committing crimes in connection with his history of drug use and abuse. Defendant is currently participating in the RDAP program. From what I have heard, it is a very good program. Defendant’s scheduled completion of the program is December 1, 2020. He seems to be on a course to meet that completion date. (D.I. 30). I do not think I could say that Defendant is not a danger to the community sufficient that I could release him now, but I might reach a different conclusion after December 1, 2020. Therefore, I am not going to rule on the motion now. I ask Defendant and the Government to provide an update after December 1, 2020.

I note Defendant's projected release date is April 28, 2022. (D.I. 30). My understanding is that but for his recent firearms conviction, successful completion of the RDAP program would result in his sentence being shortened by a year. If that understanding is wrong, the Government should address that in its December submission. I also note that at the present, FCI Schuylkill appears to have COVID-19 under control.

IT IS SO ORDERED this 9th day of October 2020.

/s/ Richard G. Andrews
United States District Judge